

Two weeks ago, the FBI used a legal warrant to search Representative William Jefferson's Congressional office for evidence to be used in their case against him. Since then, House leadership has cried foul, claiming that Congressional offices should be afforded far more protection under the law than their constituents' homes now have.

Last week, the Judiciary Committee held an overwhelmingly one-sided hearing on the matter, with Chairman Sensenbrenner calling the search "a constitutional issue that is a matter of grave concern." Reflecting on the Jefferson search himself, President Bush has said that, "Our government has not faced such a dilemma in more than two centuries."

But given the attacks Mr. Bush has made on the Constitution over the course of the last five years, and the Republican Congress' acquiescence to them, the President's remarks are absurd - as is the belated outrage of Representatives like Mr. Sensenbrenner.

This issue is far from the constitutional crisis the House leadership and President Bush are making it out to be. The truth is that the President and key Republicans are deeply worried that additional FBI searches will take place, this time of Republican offices.

Where were the Republican leadership's outraged cries when President Bush created an illegal wiretapping program without the knowledge or consent of Congress? Where was the Majority when the Justice Department started conducting warrantless searches in Americans' homes? Top Republicans were silent. They stood aside as the Bush administration trampled the Constitution and overrode the powers of Congress. - only to burst into life when their own offices were threatened.

If not handled correctly, the outcome of this issue could lead to the protection of criminal activity in the House. We must not allow Members who have engaged in illegal behavior to hide behind the constitution. We are working under the shadow of multiple ethical and criminal investigations, and there will almost certainly be more searches to come. Just last week, a former aide to Rep. Bob Ney testified at the trial of a Jack Abramoff associate that four Republican lawmakers—most of whom had not previously been implicated in the scandal—assisted Abramoff in his corrupt lobbying activities.

Preventing the Justice Department from conducting necessary searches in the course of their corruption investigations would be like saying a Member of Congress could rob a bank at gunpoint without any consequences, just so long as they hide the weapon and money in their office.

This is not to say that certain aspects of the Jefferson search aren't troubling. It should have, for example, been conducted during normal business hours, after notifying and working with House leadership, and in the presence of House Counsel. But the fact remains that the FBI had a legal search warrant issued by a judge, and took precautions to protect privileged material. And while I believe wholeheartedly in the Speech and Debate protections given to Congress by the Constitution, I do not believe they give Members of Congress the right to turn their offices in to safe houses for criminal activity.

Republican hypocrisy is nothing new, but to raise a holy racket once their Members' offices are at risk after years of standing by and allowing the Executive Branch to violate the constitutional rights of American citizens is beyond the pale. Instead of trying to protect the sanctity of their own offices, the Republican House leadership should take the fight to the many real constitutional crises facing us under this presidency—ones that affect ordinary Americans as well as corrupt Members of Congress.